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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

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7 IN RE: CHRYSLER-DODGE-JEEP
8 ECODIESEL MARKETING, SALES
9 PRACTICES, AND PRODUCT
10 LIABILITY LITIGATION

11 *This Document Relates to:*

12 OPT-OUT CASES

13 Case No. [17-md-02777-EMC](#) (JSC)

14 **ORDER RE: OPT OUT DISCOVERY
15 DISPUTE**

16 Re: Dkt. Nos. 786, 787

17 Now pending before is a letter "Motion" from the FCA and Bosch Defendants regarding a
18 dispute as to some opt-out plaintiffs' failure to preserve their EcoDiesel Trucks and a motion by
19 Plaintiffs to strike the letter. (Dkt. Nos. 786, 787, 791.) Defendants' unilateral letter is not an
20 appropriate procedural device to move the Court for relief, whether it be Judge Chen or this Court.
21 Accordingly, Plaintiffs' Motion to Strike is GRANTED.

22 If Defendants intend to properly move for the relief sought by the letter, then they must
23 first meet and confer by video with Plaintiffs. Defendants must advise Plaintiffs on or before
24 October 12, 2020 whether they wish to pursue the matter and, if so, the parties must schedule the
25 video meet and confer to occur on or before October 19, 2020. If after the video meet and confer
26 there is still a dispute, then Defendants may file a properly noticed motion. Since Defendants are
27 seeking terminating spoliation sanctions they should file a motion pursuant to Civil Local Rule 7-2
28 rather than a joint discovery dispute letter brief. Such motion, if any, must be filed on or before
October 29, 2020.

29 This Order disposes of Docket Nos. 786 and 787.

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1 **IT IS SO ORDERED.**

2 Dated: October 8, 2020

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4 JACQUELINE SCOTT CORLEY
5 United States Magistrate Judge

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